

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

DAVID MACK AKBAR PERKINS-BEY, )  
Register No. 519255, )  
Plaintiff, )  
v. ) No. 06-4246-CV-C-SOW  
RICHARD CALLAHAN, )  
Defendant. )

## ORDER

On December 7, 2006, the United States Magistrate Judge recommended dismissing plaintiffs claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on December 19, 2006. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of December 7, 2006, is adopted. [9] It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g). [2]

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: January 29, 2007